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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,889	01/13/2004	Steven G. Nadler	D0284 NP	1732
23914. 7590 02/01/2007 LOUIS J. WILLE BRISTOL-MYERS SQUIBB COMPANY PATENT DEPARTMENT P O BOX 4000 PRINCETON, NJ 08543-4000			EXAMINER MONSHIPOURI, MARYAM	
			ART UNIT 1656	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 02/01/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/755,889

Applicant(s)

NADLER ET AL.

Examiner

Maryam Monshipouri

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date filed 9/7/06.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other see attachment

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Applicant's response to non-responsive notice filed 11/15/2006 is acknowledged. Applicant indicated that he/she provisionally elected to prosecute the invention drawn to a method of decreasing NFkB pathway activity through the inhibition of BCL-6 polypeptide expression (SEQ ID NO:18) even though the elected claim was drawn to a method of use of BCL6 polypeptide provided in SEQ ID NO:18. Therefore instant amended claim is drawn to the elected invention.

This argument was not entirely convincing because it is common knowledge that applicant, at the time of election, is fully aware of what the elected claim(s) is and what applicant incorporates in their remarks is a mere support of that election and at times a mere formality. However, as a matter of courtesy and in a gesture of cooperation, the examiner hereby enters applicant's amendment.

Claim 19 is pending and under examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. (U.S. patent No. 6,140,125 issued 10/31/2000). Taylor in column 39 discloses a DNA sequence (namely SEQ ID NO:3, referred to as human bcl-6 gene) which encodes the human BCL-6 polypeptide of this invention and has 100% identity to SEQ ID NO:18 of this invention (see the attached sequence alignment). In column 18, Taylor claims a

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method of inhibiting the expression of human bcl-6 in human cells comprising contacting said cells with antisense compounds so that the expression of human bcl-6 gene is inhibited. Since bcl-6 gene (or its expression products) and NFkB are members of the same pathway and NFkB is one of the downstream substrates of bcl gene (and/or its expression product) by inherency, inhibition of bcl-6 gene inherently decreases the activity of NFkB, anticipating this invention.

No claim is allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

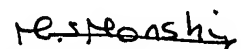
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (571) 272-0932. The examiner can normally be reached on 7:00 a.m to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleene Kerr Bragdon can be reached on (571) 272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Maryam Monshipouri Ph.D.

Primary Examiner

4	3763	99.2	3720	2	US-08-553-541B-1	Sequence 1, Appli
5	3763	99.2	3720	3	US-09-268-202-1	Sequence 1, Appli
6	3763	99.2	3720	3	US-09-761-117-1	Sequence 1, Appli
7	3763	99.2	3720	6	PCT-US94-06669-1	Sequence 1, Appli
8	621.5	16.4	2769	3	US-09-620-312D-309	Sequence 309, App
9	614.5	16.2	2680	3	US-09-063-035-1	Sequence 1, Appli
10	540	14.2	2289	3	US-09-949-016-1780	Sequence 1780, Ap
11	508	13.4	2184	3	US-09-949-016-4402	Sequence 4402, Ap
12	503	13.3	3052	3	US-10-104-047-959	Sequence 959, App
13	500	13.2	2920	3	US-09-620-312D-1084	Sequence 1084, Ap
14	498.5	13.1	2948	3	US-09-774-528-145	Sequence 145, App
15	498.5	13.1	2948	3	US-10-120-988-145	Sequence 145, App
16	495	13.1	2320	3	US-09-016-434-1054	Sequence 1054, Ap
17	491	12.9	1892	2	US-08-933-750C-66	Sequence 66, Appl
18	491	12.9	1892	3	US-09-234-613-66	Sequence 66, Appl
19	489	12.9	2441	3	US-09-949-016-2756	Sequence 2756, Ap
20	483.5	12.7	3798	3	US-09-949-016-4204	Sequence 4204, Ap
21	482.5	12.7	3839	3	US-09-949-016-485	Sequence 485, App
22	482.5	12.7	156942	3	US-09-949-016-12227	Sequence 12227, A
23	482.5	12.7	156950	3	US-09-949-016-15946	Sequence 15946, A
24	482	12.7	19861	3	US-09-949-016-14498	Sequence 14498, A
25	480	12.7	2555	3	US-09-620-312D-1050	Sequence 1050, Ap
26	477	12.6	2804	3	US-09-949-016-2278	Sequence 2278, Ap
27	477	12.6	22294	3	US-09-949-016-14020	Sequence 14020, A
28	475.5	12.5	3252	3	US-09-774-528-104	Sequence 104, App
29	475.5	12.5	3252	3	US-10-120-988-104	Sequence 104, App
30	474.5	12.5	2784	3	US-10-104-047-1944	Sequence 1944, Ap
31	473	12.5	3090	3	US-10-104-047-191	Sequence 191, App
32	470.5	12.4	2771	3	US-09-976-594-691	Sequence 691, App
33	469.5	12.4	2925	3	US-09-620-312D-163	Sequence 163, App
34	468.5	12.4	2110	3	US-10-104-047-1778	Sequence 1778, Ap
35	465.5	12.3	3026	3	US-10-104-047-967	Sequence 967, App
36	465	12.3	3078	3	US-10-104-047-622	Sequence 622, App
37	465	12.3	3240	3	US-09-949-016-5548	Sequence 5548, Ap
38	464.5	12.2	2637	3	US-09-949-016-5623	Sequence 5623, Ap
39	464.5	12.2	27227	3	US-09-949-016-17365	Sequence 17365, A
40	464	12.2	2724	3	US-10-104-047-1127	Sequence 1127, Ap
41	463.5	12.2	2241	3	US-10-104-047-693	Sequence 693, App
42	462.5	12.2	2467	3	US-10-104-047-470	Sequence 470, App
43	462.5	12.2	2634	3	US-10-104-047-816	Sequence 816, App
44	461.5	12.2	1833	3	US-10-104-047-1491	Sequence 1491, Ap
45	461	12.2	2351	3	US-09-016-434-1337	Sequence 1337, Ap

Attachment

ALIGNMENTS

RESULT 1

US-09-418-640-3

; Sequence 3, Application US/09418640

; Patent No. 6140125

; GENERAL INFORMATION:

; APPLICANT: Jennifer K. Taylor

; APPLICANT: Lex M. Cowser

; TITLE OF INVENTION: ANTISENSE MODULATION OF BCL-6 EXPRESSION

; FILE REFERENCE: RTS-0102

; CURRENT APPLICATION NUMBER: US/09/418,640

; CURRENT FILING DATE: 1999-10-15

; NUMBER OF SEQ ID NOS: 89

; SEQ ID NO 3

; LENGTH: 3536

; TYPE: DNA

; ORGANISM: Homo sapiens

; FEATURE:

; NAME/KEY: CDS

; LOCATION: (328)..(2448)

US-09-418-640-3

Alignment Scores:

Pred. No.:	2.45e-279	Length:	3536
Score:	3793.00	Matches:	706
Percent Similarity:	100.0%	Conservative:	0
Best Local Similarity:	100.0%	Mismatches:	0
Query Match:	100.0%	Indels:	0
DB:	3	Gaps:	0

US-10-755-889-18 (1-706) x US-09-418-640-3 (1-3536)

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Qy      1 MetAlaSerProAlaAspSerCysIleGlnPheThrArgHisAlaSerAspValLeuLeu 20
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Db      328 ATGGCCCTCGCCGCTGACAGCTGTATCCAGTTCACCCGCATGCCAGTGATGTTCTTCTC 387

Qy      21 AsnLeuAsnArgLeuArgSerArgAspIleLeuThrAspValValIleValValSerArg 40
          |||
Db      388 AACCTTAATCGTCTCCGGAGTCGAGACATCTTGACTGATGTTGTATGTTGTGAGCCGT 447

Qy      41 GluGlnPheArgAlaHisLysThrValLeuMetAlaCysSerGlyLeuPheTyrSerIle 60
          |||
Db      448 GAGCAGTTTAGAGCCCATAAACGGTCTCATGGCTGCAGTGGCTGTTCTATAGCATC 507

Qy      61 PheThrAspGlnLeuLysCysAsnLeuSerValIleAsnLeuAspProGluIleAsnPro 80
          |||

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Db	508	TTTACAGACCAAGTTGAAATGCAACCTTAGTGTGATCAATCTAGATCCTGAGATCAACCCT	567
Qy	81	GluGlyPheCysIleLeuLeuAspPheMetTyrThrSerArgLeuAsnLeuArgGluGly	100
Db	568	GAGGATTCTGCATCCTCTGGACTTCATGTACACATCTCGGCTCAATTTGCGGGAGGGC	627
Qy	101	AsnIleMetAlaValMetAlaThrAlaMetTyrLeuGlnMetGluHisValValAspThr	120
Db	628	AACATCATGGCTGTGATGGCCACGGCTATGTACCTGCAGATGGAGCATGTTGTGGACACT	687
Qy	121	CysArgLysPheIleLysAlaSerGluAlaGluMetValSerAlaIleLysProProArg	140
Db	688	TGCCGGAAGTTTATTAAGGCCAGTGAAGCAGAGATGGTTTCTGCCATCAAGCCTCCTCGT	747
Qy	141	GluGluPheLeuAsnSerArgMetLeuMetProGlnAspIleMetAlaTyrArgGlyArg	160
Db	748	GAAGAGTTCTCTAACAGCCGGATGCTGATGCCCCAAGACATCATGGCTATCGGGTCTGT	807
Qy	161	GluValValGluAsnAsnLeuProLeuArgSerAlaProGlyCysGluSerArgAlaPhe	180
Db	808	GAGGTGTTGGAGAACAACTGCCACTGAGGAGCGCCCTGGGTGTGAGAGCAGAGCCTTT	867
Qy	181	AlaProSerLeuTyrSerGlyLeuSerThrProProAlaSerTyrSerMetTyrSerHis	200
Db	868	GCCCCAGCCTGTACAGTGGCTGTCCACACCGCCAGCCTCTTATTCCATGTACAGCCAC	927
Qy	201	LeuProValSerSerLeuLeuPheSerAspGluGluPheArgAspValArgMetProVal	220
Db	928	CTCCCTGTACAGAGCCTCCTCTTCTCCGATGAGGAGTTTCGGGATGTCCGGATGCCTGTG	987
Qy	221	AlaAsnProPheProLysGluArgAlaLeuProCysAspSerAlaArgProValProGly	240
Db	988	GCCAAACCCCTTCCCAAGGAGCGGGCACTCCCATGTGATAGTGCAGGCCAGTCCCTGGT	1047
Qy	241	GluTyrSerArgProThrLeuGluValSerProAsnValCysHisSerAsnIleTyrSer	260
Db	1048	GAGTACAGCCGGCCGACTTTGGAGGTGTCCCCCAATGTGTGCCACAGCAATATCTATTCA	1107
Qy	261	ProLysGluThrIleProGluGluAlaArgSerAspMetHisTyrSerValAlaGluGly	280
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Qy	281	LeuLysProAlaAlaProSerAlaArgAsnAlaProTyrPheProCysAspLysAlaSer	300
Db	1168	CTCAAACCTGCTGCCCTCAGCCCGAAATGCCCTACTTCCCTTGTGACAAGGCCAGC	1227
Qy	301	LysGluGluGluArgProSerSerGluAspGluIleAlaLeuHisPheGluProProAsn	320
Db	1228	AAAGAAGAAAGAGAGCCCTCCTCGGAAGATGAGATTGCCCTGCATTTTCGAGCCCCCAAT	1287
Qy	321	AlaProLeuAsnArgLysGlyLeuValSerProGlnSerProGlnLysSerAspCysGln	340
Db	1288	GCACCCCTGAACCGGAAGGCTGCTGTAGTCCACAGAGCCCCAGAAATCTGACTGCCAG	1347
Qy	341	ProAsnSerProThrGluAlaCysSerSerLysAsnAlaCysIleLeuGlnAlaSerGly	360
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Qy	361	SerProProAlaLysSerProThrAspProLysAlaCysAsnTrpLysLysTyrLysPhe	380
Db	1408	TCCCTCCAGCCAAAGAGCCCACTGACCCCAAAGCCTGCACTGGAAGAAATACAAGTTC	1467
Qy	381	IleValLeuAsnSerLeuAsnGlnAsnAlaLysProGlyGlyProGluGlnAlaGluLeu	400
Db	1468	ATCGTGCTCAACAGCCTCAACAGAAATGCCAAACAGGGGGCCTGAGCAGGCTGAGCTG	1527
Qy	401	GlyArgLeuSerProArgAlaTyrThrAlaProProAlaCysGlnProProMetGluPro	420
Db	1528	GGCCGCCCTTTCCCCACGAGCCTACACGGCCCCACCTGCCTGCCAGCCACCCATGGAGCCT	1587
Qy	421	GluAsnLeuAspLeuGlnSerProThrLysLeuSerAlaSerGlyGluAspSerThrIle	440
Db	1588	GAGAACTTGACCTCCAGTCCCAACCAAGCTGAGTGCCAGCGGGAGGACTCCACCATC	1647
Qy	441	ProGlnAlaSerArgLeuAsnAsnIleValAsnArgSerMetThrGlySerProArgSer	460
Db	1648	CCACAAGCCAGCCGGCTCAATAACATCGTTAACAGGTCCATGACGGGCTCTCCCCGAGC	1707
Qy	461	SerSerGluSerHisSerProLeuTyrMetHisProProLysCysThrSerCysGlySer	480
Db	1708	AGCAGCGAGGCCACTCACCCTCTACATGCACCCCCGAAGTGCACGCTCTGCGGCTCT	1767
Qy	481	GlnSerProGlnHisAlaGluMetCysLeuHisThrAlaGlyProThrPheAlaGluGlu	500
Db	1768	CAGTCCCCACAGATGCAGAGATGTGCCTCCACACGCTGGCCCCACGTTCTGCTGAGGAG	1827
Qy	501	MetGlyGluThrGlnSerGluTyrSerAspSerSerCysGluAsnGlyAlaPhePheCys	520
Db	1828	ATGGGAGAGACCCAGTCTGAGTACTCAGATTCTAGTGTGAGAACGGGGCCTTCTTCTGC	1887
Qy	521	AsnGluCysAspCysArgPheSerGluGluAlaSerLeuLysArgHisThrLeuGlnThr	540

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Db      1888  AATGAGTGTGACTGCCGCTTCTCTGAGGAGGCTCACTCAAGAGGCACACGCTGCAGACC 1947
Qy      541  HisSerAspLysProTyrLysCysAspArgCysGlnAlaSerPheArgTyrLysGlyAsn 560
Db      1948  CACAGTGACAAACCTACAAGTGTGACCGCTGCCAGGCTCCTCCGCTACAAGGGCAAC 2007
Qy      561  LeuAlaSerHisLysThrValHisThrGlyGluLysProTyrArgCysAsnIleCysGly 580
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Qy      581  AlaGlnPheAsnArgProAlaAsnLeuLysThrHisThrArgIleHisSerGlyGluLys 600
Db      2068  GCCCAGTTCAACCGGCCAGCCAACTGAAAACCCACACTCGAATTCCTCTGGAGAGAAG 2127
Qy      601  ProTyrLysCysGluThrCysGlyAlaArgPheValGlnValAlaHisLeuArgAlaHis 620
Db      2128  CCCTACAAATGCGAAACCTGCGGAGCCAGATTGTACAGGTGGCCACCTCCGTGCCCAT 2187
Qy      621  ValLeuIleHisThrGlyGluLysProTyrProCysGluIleCysGlyThrArgPheArg 640
Db      2188  GTGCTTATCCACACTGGTGAGAAGCCCTATCCCTGTGAAATCTGTGGCACCCTTCCGG 2247
Qy      641  HisLeuGlnThrLeuLysSerHisLeuArgIleHisThrGlyGluLysProTyrHisCys 660
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Qy      661  GluLysCysAsnLeuHisPheArgHisLysSerGlnLeuArgLeuHisLeuArgGlnLys 680
Db      2308  GAGAAGTGTAACTGCATTTCCTGCACAAAGCCAGCTCGACTTCACTTGCGCCAGAAG 2367
Qy      681  HisGlyAlaIleThrAsnThrLysValGlnTyrArgValSerAlaThrAspLeuProPro 700
Db      2368  CATGGGCCCATCACCAACCAAGGTGCAATACCGGTGTGAGCCACTGACCTGCCTCCG 2427
Qy      701  GluLeuProLysAlaCys 706
Db      2428  GAGCTCCCAAAGCCTGC 2445

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RESULT 2

```

US-09-814-915A-90
; Sequence 90, Application US/09814915A
; Patent No. 6750015
; GENERAL INFORMATION:
; APPLICANT: Horwitz, Kathryn
; APPLICANT: Richer, Jennifer
; TITLE OF INVENTION: Progesterone Receptor-Regulated Gene Expression and Methods Related
; TITLE OF INVENTION: There to
; FILE REFERENCE: 2848-39
; CURRENT APPLICATION NUMBER: US/09/814,915A
; CURRENT FILING DATE: 2002-03-21
; PRIOR APPLICATION NUMBER: 60/214,870
; PRIOR FILING DATE: 2000-06-28
; NUMBER OF SEQ ID NOS: 108
; SOFTWARE: PatentIn version 3.1
; SEQ ID NO 90
; LENGTH: 3536
; TYPE: DNA
; ORGANISM: Homo sapiens
US-09-814-915A-90

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Alignment Scores:

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Pred. No.:      2.45e-279      Length:      3536
Score:          3793.00      Matches:      706
Percent Similarity: 100.0%      Conservative: 0
Best Local Similarity: 100.0%      Mismatches: 0
Query Match:    100.0%      Indels:      0
DB:             3           Gaps:          0

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US-10-755-889-18 (1-706) x US-09-814-915A-90 (1-3536)

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Qy      1  MetAlaSerProAlaAspSerCysIleGlnPheThrArgHisAlaSerAspValLeuLeu 20
Db      328 .ATGGCCTCGCCGCTGACAGCTGATCCAGTTCACCCGCCATGCCAGTGATGTTCTTCTC 387
Qy      21  AsnLeuAsnArgLeuArgSerArgAspIleLeuThrAspValValIleValValSerArg 40
Db      388  AACCTTAATCGTCTCGGAGTCGAGACATCTTGACTGATGTTGTCATGTTGTGAGCCGT 447
Qy      41  GluGlnPheArgAlaHisLysThrValLeuMetAlaCysSerGlyLeuPheTyrSerIle 60
Db      448  GAGCAGTTTAGAGCCCATAAACCGTCCTCATGGCTGCAGTGGCCTGTTCTATAGCATC 507
Qy      61  PheThrAspGlnLeuLysCysAsnLeuSerValIleAsnLeuAspProGluIleAsnPro 80
Db      508  TTTACAGACCAAGTTGAAATGCAACCTTAGTGTGATCAATCTAGATCCTGAGATCAACCCT 567
Qy      81  GluGlyPheCysIleLeuLeuAspPheMetTyrThrSerArgLeuAsnLeuArgGluGly 100
Db      568  GAGGATTCTGCTATCCTCTGGACTTCATGTACACATCTCGGCTCAATTTGCGGGAGGCG 627

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